

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF MONTGOMERY

ARLESS EDWARDS, JR.,

Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM, INC.

Serve: CT Corporation System, Registered Agent

4701 Cox Road, Suite 285

Glen Allen, VA 23060-6808

(Henrico County)

and

MICHAEL P. CLARKE,

Serve through Secretary of the Commonwealth

Defendants.

Case No.

CL20001582-00

RECEIVED AND FILED

JUL 16 2020

Montgomery County Circuit Court
Erica W. Conner, Clerk

COMPLAINT

NOW COMES the Plaintiff, ARLESS EDWARDS, JR., and moves for the judgment against the Defendants, FedEx Ground Package System, Inc. and Michael P. Clarke, jointly and severally, on the grounds and in the amount set forth below:

1. Based upon information and belief, FedEx Ground Package System, Inc. ("FedEx Ground") is a foreign corporation with its principal place of business in Coraopolis, Pennsylvania.
2. Based on information and belief and at all times relevant hereto, defendant Michael P. Clarke ("Clarke") is an individual and citizen of the State of New Jersey, residing in Union, New Jersey.



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EXHIBIT A

3. At all times relevant hereto, FedEx Ground was acting through its employees, agents, and assigns, including, but not limited to, Defendant Clarke.

4. At all times relevant hereto, Defendant Clarke was an employee and agent of FedEx Ground.

5. At all times relevant hereto, Defendant Clarke was acting within the course and scope of his employment with FedEx Ground.

6. At all times relevant hereto, FedEx Ground was vicariously liable for Clarke's actions and omissions.

7. On or about the 24th day of January, 2019, the Plaintiff, Arless Edwards, Jr., was operating a Ford F-450 in a northerly direction on I-81 North, near mile marker 120.6, in Montgomery County, Virginia.

8. Plaintiff, Arless Edwards, Jr. was obeying all traffic laws.

9. At that time and place, Defendant Michael P. Clarke, was operating an International Pro Star tractor and trailer also in a northerly direction on I-81 North, near mile marker 120.6, in Montgomery County, Virginia. This tractor-trailer truck was owned by Ryder Truck Rental, Inc. and was leased to Defendant FedEx Ground (the "FedEx tractor-trailer").

10. The road conditions were clear.

11. Defendant Clarke was operating the FedEx tractor-trailer truck behind the vehicle operated by the Plaintiff, Arless Edwards, Jr.

12. Defendant Clarke was operating the FedEx tractor-trailer truck at approximately 67 miles per hour.



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13. The posted speed limit on I-81 North at the location of the crash was 65 miles per hour.

14. Defendant Clarke struck the rear end of the truck operated by Plaintiff Arless Edwards, Jr., propelling it over the guard rail on the right side of the highway.

15. At that time and place, it was the duty of the Defendant, Michael P. Clarke, to operate the FedEx tractor-trailer truck with reasonable care and with due regard for others using the road, including the Plaintiff, Arless Edwards, Jr..

16. Notwithstanding said duties, the Defendant, Michael P. Clarke, carelessly, recklessly, and negligently operated the FedEx tractor-trailer truck so that it struck the vehicle operated by the Plaintiff, Arless Edwards, Jr., with great force and violence. The Defendant Michael P. Clarke was negligent, including he:

- (a) Failed to operate the FedEx tractor-trailer truck with reasonable care and due regard for others using the road, including the Plaintiff Arless Edwards, Jr.;
- (b) Failed to keep a proper lookout;
- (c) Failed to keep the FedEx tractor-trailer truck under proper control;
- (d) Operated the FedEx tractor-trailer truck in a reckless and unsafe manner;
- (e) Operated the FedEx tractor-trailer truck at an excessive and unlawful rate of speed under the existing circumstances;
- (f) Improperly and carelessly lost control of the FedEx tractor-trailer truck, so that it struck the rear of the vehicle operated by the Plaintiff at high speed;

17. Defendant Clarke was charged with, and found guilty in absentia of the offense of, Reckless Driving, a violation of Va. Code §46.2-853, as a result of this collision with the vehicle the Plaintiff was operating.



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18. As a direct and proximate result thereof, Plaintiff, Arless Edwards, Jr., sustained damages, including but not limited to, serious and permanent injuries; has suffered and will continue to suffer great pain of body and mind; has sustained a loss of income and a loss of earning capacity; has sustained permanent disability; has incurred and will incur in the future, hospital, doctors', and related bills in an effort to be cured of said injuries.

19. Defendant, FedEx Ground, is vicariously liable for the negligence and resulting damages caused by its employee, Defendant, Michael P. Clarke.

WHEREFORE, Plaintiff, Arless Edwards, Jr., demands judgment against the Defendants, Michael P. Clarke and FedEx Ground, jointly and severally, in the sum of **ONE MILLION, FIFTY THOUSAND DOLLARS (\$1,050,000.00)** plus interest and costs assessed as of the day of the accident referenced herein.

TRIAL BY JURY IS DEMANDED.

ARLESS EDWARDS, JR.

By: 
of Counsel

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